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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,894	12/18/2001	Steven Wojcik	9726-8U1	5154

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EXAMINER

DESANTO, MATTHEW F

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,894

Applicant(s)

WOJCIK, STEVEN

Examiner

Matthew F. DeSanto

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,12-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,12-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 12, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobroff et al. (US Pub 2003/0225373) and further in view of Dysarz (USPN 5,997,507).

Bobroff et al. disclosed an angled infusion set having a cannula assembly including a cannula housing and a cannula extending from the housing, an inserter housing having a bottom wall, a retainer, and a base member (914, 916, 918) that forms an acute angle that is approximately 30 degrees, but fails to disclose the first release button being substantially normal to the axis of insertion.

Dysarz discloses a biasing spring needle catheter with a first release button being substantially normal to the axis of insertion (Figure 1, 4, 5 and entire reference)

At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the angled infusion device of Bobroff et al. with the release mechanism of Dysarz because Dysarz allows the operator the ability to release or retract the release mechanism with one hand thus allowing easier manipulation of the infusion device. The first release button could be through the house as shown in Dysarz. The button could be placed inserted into reference space 159 as shown in Figure 21 and 23. This way the release button could still interact with the mechanism that releases the spring and the infusion device.

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3. Claims 1, 3, 12, 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safabash et al. (USPN US 6,293,925) and further in view of Dysarz (USPN 5,997,507).

Safabash et al. disclosed an angled infusion set having a cannula assembly including a cannula housing and a cannula extending from the housing, an inserter housing having a bottom wall, a retainer, and a base member (603) that forms an acute angle that is approximately 30 degrees, but fails to disclose the first release button being substantially normal to the axis of insertion.

Dysarz discloses a biasing spring needle catheter with a first release button being substantially normal to the axis of insertion (Figure 1, 4, 5 and entire reference)

At the time of the invention it would have been obvious for one of ordinary skill in the art to combine the angled infusion device of Safabash et al. with the release mechanism of Dysarz because Dysarz allows the operator the ability to release or retract the release mechanism with one hand thus allowing easier manipulation of the infusion device. The first release button could be through the house as shown in Dysarz. The button could be place inserted into reference space 159 as shown in Figure 21 and 23. This way the release button could still interact with the mechanism that releases the spring and the infusion device.

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments, filed 5/2/05, with respect to the rejections of claims 1, 3, 4, 12, 13, 14, 17 have been fully considered and are moot because of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew DeSanto
Art Unit 3763
June 2, 2005



NICHOLAS D. LUCCHESI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700